

the Fettig Canning Co., Elwood, Ind., about September 12, 1930, alleging that the article had been shipped from Elwood, Ind., in interstate commerce into the State of Ohio, and charging adulteration in violation of the food and drugs act. A portion of the article was labeled in part: "Retloc Brand Tomato Puree." The remainder of the said article was labeled in part: "Dandy Line Brand Tomato Puree."

It was alleged in the libel that the article was adulterated in that it consisted partly of a decomposed vegetable substance.

On March 13, 1931, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**18163. Adulteration of Greek string figs. U. S. v. 25 Boxes of Greek String Figs. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 25459. I. S. No. 5921. S. No. 3725.)**

Samples of figs from the shipment herein described having been found to be insect-infested and moldy, the Secretary of Agriculture reported the matter to the United States attorney for the Southern District of Florida.

On December 10, 1930, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 25 boxes of Greek string figs, remaining in the original unbroken packages at Tampa, Fla., alleging that the article had been shipped by William A. Camp & Co., from New York, N. Y., on or about November 1, 1930, and had been transported from the State of New York into the State of Florida, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "Selected String Figs, Packed and Shipped by Seideman and Seideman. \* \* \* S. & S. Athena Brand, New York."

It was alleged in the libel that the article was adulterated in that it consisted in whole or in part of a filthy, decomposed, or putrid vegetable substance.

On January 27, 1931, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**18164. Adulteration and misbranding of raspberry, strawberry, grape, and cherry extracts. U. S. v. 9 Dozen Bottles of Raspberry Extract, et al. Default decrees of condemnation, forfeiture, and destruction. (F. & D. Nos. 25679, 25680. I. S. Nos. 5054, 5055, 5056, 5057. S. No. 3961.)**

Examination of samples of the so-called raspberry, strawberry, grape, and cherry extracts from the shipments herein described having shown that they were imitation fruit extracts, artificially colored, and that the statement of the quantity of the contents, borne on the labels, was not made in terms of liquid measure, the Secretary of Agriculture reported the matter to the United States attorney for the District of Massachusetts.

On January 20, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid libels praying seizure and condemnation of 4 dozen bottles of raspberry extract, 9 dozen bottles of strawberry extract, 1 dozen bottles of grape extract, and 9 dozen bottles of cherry extract, remaining in the original unbroken packages at Boston, Mass., alleging that the articles had been shipped by the Original Julius Marcus Laboratories (Inc.), from Brooklyn, N. Y., in part on or about May 3, 1930, and in part on or about July 28, 1930, and had been transported from the State of New York into the State of Massachusetts, and charging adulteration and misbranding in violation of the food and drugs act as amended. The articles were labeled in part: "P G H Brand Raspberry [or "Strawberry" or "Grape" or "Cherry"] Extract Packed for Paul G. Hauschildt Jamaica Plains, Mass. Contents 4 oz. Net."

It was alleged in the libels that the articles were adulterated in that substances deficient in fruit juice and artificially colored and flavored had been mixed and packed therewith so as to reduce and lower their quality and strength, and had been substituted in part for raspberry, strawberry, grape, and cherry extracts which the articles purported to be. Adulteration was alleged for the further reason that the articles had been colored in a manner whereby inferiority was concealed.

Misbranding was alleged for the reason that the statements on the labels, "Raspberry Extract," "Strawberry Extract," "Grape Extract," and "Cherry Extract," were false and misleading and deceived and misled the purchaser when applied to articles deficient in fruit juice and which had been artificially colored and flavored; for the further reason that the statement on the label, "Contents 4 oz. Net," was false and misleading and deceived and misled the purchaser, since the statement was not in correct form; for the further reason that the articles were imitations of other articles; for the further reason that the articles were offered for sale under the distinctive names of other articles; and for the further reason that the articles were food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the packages.

On March 30, 1931, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the products be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**18165. Adulteration and misbranding of fruit beverage materials. U. S.**

**v. Certain Quantities of Fruit Beverage Materials. Default decree of condemnation, forfeiture, and destruction.** (F. & D. No. 25737. I. S. Nos. 5052, 5053, 5058 to 5067, incl. S. No. 3961.)

The products here involved consisted of sirup for making fruit-flavored beverages and were variously designated as Seven Fruits Syrup; Apricot, Blackberry, or Peach Syrup Supreme; Cherry Bounce, Strawberry, Blackberry, or Raspberry Royale Castle Cordials; Peach Cordial; and Apricot, Blackberry, or Cherry Syrup. All were deficient in fruit juice, and had artificial flavors added. Most of the products contained added acid and all but the Seven Fruits Syrup and the Blackberry Syrup Supreme contained artificial color. In several of the products the statement of the quantity of the contents was not made in terms of liquid measure.

On January 20, 1931, the United States attorney, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the District of Massachusetts a libel praying seizure and condemnation of 13½ dozen bottles of Seven Fruits Syrup, 5½ dozen bottles of Seven Fruits, 3 dozen bottles of blackberry sirup, 33 dozen bottles of apricot sirup, 11½ dozen bottles of peach cordial sirup, 13½ dozen bottles of Royale Castle Cordial Cherry Bounce, 6 dozen bottles of Royale Castle Cordial (2 dozen each of strawberry, blackberry, and raspberry), 16¾ dozen bottles of apricot, 33 bottles of blackberry, and 3 dozen bottles of cherry, remaining in the original unbroken packages at Boston, Mass., alleging that the articles had been shipped by the Original Julius Marcus Laboratories (Inc.), from Brooklyn, N. Y., on or about September 19, 1930, and had been transported from the State of New York into the State of Massachusetts, and charging adulteration and misbranding in violation of the food and drugs act as amended.

The articles were labeled in part variously: "Seven Fruits \* \* \* Seven Fruits Syrup Not artificially colored, Not artificially flavored, Julius Marcus Co., New York, Detroit, Chicago;" "Blackberry Victoria Brand Pure Blackberry Syrup Supreme Julius Marcus Co. \* \* \* Contents 25 ounces;" "Apricot \* \* \* The Original Julius Marcus \* \* \* Apricot Syrup Supreme Artificial Flavor Colored with Burnt Sugar Prepared by Julius Marcus For the Marcus Laboratories \* \* \* Contents 16 Ounces;" "Peach Syrup Supreme Quality Purity Original and Finest Peach Cordial \* \* \* Contents 1 Pint 9 Ounces Julius Marcus Co.;" "Royale Castle Cordial artificially colored and flavored Cherry Bounce [or "Strawberry," "Blackberry," or "Raspberry"] Original Julius Marcus Laboratories, Inc., Brooklyn, N. Y., Contents 1 pint 9 fl. oz.;" "Standard of Excellence since 1885. The real true-in-flavor quality, Non-Alcoholic, Net Contents 5 oz. \* \* \* Manufactured by Original Julius Marcus Lab. Inc., Brooklyn, N. Y. Colored with burnt sugar \* \* \* Apricot [or "Artificial flavor and color \* \* \* Blackberry" or "Artificial flavor and color \* \* \* Cherry"]."

It was alleged in the libel that the articles, with the exception of the Seven Fruits Syrup, Seven Fruits, and blackberry sirup, were adulterated, since a substance deficient in fruit juice and artificially flavored and colored had been mixed and packed with the articles so as to reduce and lower their quality and strength, and had been substituted in part for the said articles; that the Seven Fruits Syrup and Seven Fruits were adulterated, since a substance deficient in fruit juice and artificially flavored had been mixed and packed with and substituted in part for the articles, and that the blackberry sirup was adulterated, since a substance deficient in fruit juice had been mixed and packed there-